

PD-0038-18

IN THE COURT OF CRIMINAL APPEALS

FILED  
COURT OF CRIMINAL APPEALS  
5/16/2018  
DEANA WILLIAMSON, CLERK

OF THE STATE OF TEXAS

\*\*\*\*\*

CODY DARUS FRENCH,

Appellant,

V.

STATE OF TEXAS,

Appellee.

\*\*\*\*\*

On Appeal from the Court of Appeals  
Eleventh Judicial District, Eastland, Texas  
Cause Number 11-14-00284-CR  
350<sup>th</sup> District Court of Taylor County, Texas  
Honorable Quay Parker Presiding  
Trial Court Cause Number 10940-D

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**STATE'S FIRST MOTION FOR EXTENSION  
OF TIME TO FILE BRIEF ON THE MERITS**

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

The State of Texas, by and through its Assistant Criminal  
District Attorney, moves the Court for an extension of time to file its  
brief on the merits in the above-entitled and numbered cause, and  
shows:

I. Statement of the Case

This petition stems from an appeal from a judgment and conviction for aggravated sexual assault of a child. Cody Darus French, Appellant, was found guilty following a jury trial and was sentenced by the trial court to 60 years confinement in TDCJ-ID. The Eleventh Court of Appeals in Eastland, Texas issued an opinion reversing the trial court on Appellant's first issue and declining to reach the second on August 10, 2017, and denied the State's motion for rehearing on December 7, 2017. The State petitioned this Court on February alleging two grounds of review on February 2, 2018, and was granted review on April 18, 2018. The State's brief on the merits is due on May 18, 2018. This is the State's first motion for extension of time to file the brief on the merits.

## II. Cases Recently Filed and Argued

Counsel had a brief due on May 16, 2018 in *Christopher Crain Williams v. State of Texas*, 11-17-00320-CR, timely filed on April 25, 2018; this brief had previously been granted one extension. Counsel had two briefs due on April 23, 2018 in response to Appellant-mother and Appellant-father respectively *In the Interest of S.M.B.*, a

*Child*, 11-18-00068-CV; both briefs were timely filed on Friday, April 13, 2018, with no extensions requested in either by the State. This is an accelerated appeal. Counsel further was out of the office for three days during the previous month for continuing legal education.

### III. Briefs and Oral Arguments Pending

Counsel is currently engaged in the drafting of a brief due on May 25, 2018 in the Eastland Court of Appeals in *Amber Renee Craker v. State of Texas*, 11-17-00299-CR, previously granted one extension. This is an appeal of a conviction for the capital murder of an infant with a 10 volume reporter's record, extensive medical examiner testimony, and an unusual question of legal sufficiency. This brief is currently in progress and counsel expects to have it completed within the next week. Counsel further has briefs due in the Eastland Court of Appeals on June 6, 2018 in *Johnny Allen Winfield*, 11-18-00042-CR, previously granted one extension; and on June 15, 2018 in *Valerie Rene Barrera v. State of Texas*, 11-18-00035-CR, no extensions yet requested. Counsel has oral argument in Eastland on June 7, 2018 in *Carlos Jiminez v. State of Texas*, 11-

17-00065-CR. Counsel has a brief due in the Seventh Court of Appeals on May 17, 2018 in *Wayne Edward East v. State of Texas*, 07-17-00217-CR; the State's first motion for extension in that case is currently pending.

#### IV. Prayer

The State requests a 30 day extension. This request for extension of time is not made solely for the purpose of delay, but so that justice may be served.

Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

I, Britt Lindsey, affirm that the above motion is in compliance with the Rules of Appellate Procedure. The font size in the body of the motion is 14 pt. The word count is 743 including the entire motion.

/s/ Britt Lindsey  
Britt Lindsey

## **CERTIFICATE OF SERVICE**

I certify that on this 16<sup>th</sup> day of May, 2018, a true copy of the foregoing State's First Motion for Extension of Time to File Brief on the Merits was served according to the requirements of law by email or efilng to:

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/s/ Britt Lindsey  
Britt Lindsey